

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

MITILE, LTD.,	)	
	)	
Plaintiff,	)	
	)	CASE NO. 1:13-cv-451 (GBL/TCB)
v.	)	
	)	
HASBRO, INC.,	)	
	)	
Defendant.	)	

**ORDER**

THIS MATTER is before the Court on Defendant Hasbro, Inc.'s Motion for Summary Judgment (Doc. 37). For the reasons to be stated in a forthcoming Memorandum Opinion and Order,

**IT IS HEREBY ORDERED** that Defendant's Motion for Summary Judgment is GRANTED IN PART, DENIED IN PART, and DISMISSED as MOOT IN PART. Specifically, the Court:

- i. GRANTS summary judgment with respect to Plaintiff's claim of Patent Infringement, literally and under the doctrine of equivalents (Count I of Plaintiff's Complaint (Doc. 1)),
- ii. GRANTS summary judgment with respect to Defendant's counterclaim of Declaratory Judgment of Non-infringement (Count I of Defendant's Counterclaim (Doc. 14)),
- iii. DENIES summary judgment with respect to Defendant's counterclaim of Declaratory Judgment of Invalidity (Count II of Defendant's Counterclaim (Doc. 14)).

iv. **DISMISSES** as MOOT Defendant's affirmative defenses of Invalidity and Non-infringement.

The only claim remaining is Defendant's counterclaim of Declaratory Judgment of Invalidity (Count II of Defendant's Counterclaim (Doc. 14)).

This Order does not constitute a final judgment, and the time for appeal will not run until the Court issues the Memorandum Opinion and Order in accordance with Federal Rule of Civil Procedure 58.

**IT IS SO ORDERED.**

ENTERED this 7<sup>th</sup> day of October, 2013.

## Alexandria, Virginia

10/7 /13

/s/  
Gerald Bruce Lee  
United States District Judge